

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DAVERETTA A. HAYES

Plaintiff

v.

Civil Action No. JKB-12-317

AMALGAMATED TRANSIT UNION
LOCAL 1300

Defendant

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MEMORANDUM AND ORDER

The Defendant has moved for summary judgment (ECF No. 25). Pursuant to Rule 56 of the Federal Rules of Civil Procedure:

“The Court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”

For the reasons set out in the Defendant’s Memorandum of Law (ECF No. 25, Attachment No. 1) the motion is GRANTED.

To the extent the Plaintiff brings suit under the 14th Amendment to the U.S. Constitution, she has failed to allege “state action.” Officials of the Defendant are not state actors for purposes of the 14th Amendment. Further, viewed in the light most favorable to her, the evidence and information proffered by the Plaintiff fails to raise a genuine issue of material fact in reference to whether there was gender discrimination when she was denied the reinstatement of her seniority by Local 1300. The only allegedly comparable circumstance, involving a male employee who had departed from his position in the bargaining unit for only four months during which no other employees were hired, simply is not a comparable situation to that involving the Plaintiff.

Accordingly, judgment is entered for the Defendant.

The Clerk is directed to CLOSE this case.

DATED this 9th day of November, 2012.

BY THE COURT:

/s/
James K. Bredar
United States District Judge